

special committee; agreed to. The Speaker appointed Messrs Taley, Gonzales of Teos, and Martinez i Romero, such committee.

Reports of standing Committees:
Mr Otero from committee on Claims, reported in favor of payment of claims for certain expenditures for Legislature. The report was adopted.

Mr Craddock from the committee on Finance, to which was referred the petition of the sheriff of San Miguel, reported a bill for the relief of said sheriff; the report was adopted.

Mr Sena i Romero from the committee on Counties, reported adversely to the petition of citizens of Mora, asking for a new county; motion for the rejection of the report was discussed at length; Mr Taley in favor, and Messrs Wierman, Sena i Romero, and Gonzales of Teos, against; not agreed to; the report was then adopted, 8 to 7.

Mr Taley from the special committee on memorial to Congress, asking appropriations for a Penitentiary, and a Well in the Jaranda del Muerto, reported the same with an amendment asking \$8,000 instead of \$3,000 for Well in the Jaranda; and recommended its adoption. Mr F Pina offered to amend by inserting \$10,000; adopted; further to amend by inserting \$50,000; further to amend by inserting \$100,000 instead of 50,000, lost. The report was then adopted as amended.

Report from committee on the Judiciary, a bill in relation to conditional examination of witnesses in criminal cases, without amendment; the report was adopted.

Mr Craddock offered a resolution, that the Governor be requested to furnish the House information in relation to the state of the militia of the Territory; adopted.

Mr Sena i Romero by permission, introduced a resolution requesting that the doors of the Hall be kept open by the Door-keeper from before sunrise till the adjournment of the House in the evening; amended by adding, "and whenever a chairman of any committee shall request."

First reading of bills:
An act to change the county-seat of the county of Socorro, ordered to second reading; referred to committee on Counties.

Mr C Ortiz introduced a bill respecting lost money and goods; ordered to second reading, and referred to committee on the Judiciary.

Mr Otero introduced a bill regulating the practice of law in the Supreme Court in criminal cases; ordered to be translated.

House adjourned to ten o'clock tomorrow morning

Santa Fe Weekly Gazette

"Independent in all things—Neutral in nothing."

W. G. KEPHART, Editor.

Rev. Mr. Smith, (Baptist,) has taken the room formerly occupied as the Methodist Chapel. There will be preaching there every Sabbath, at the usual hours.

COL. SUMNER AND HIS MOVEMENTS

CONSPIRACY TO OVERTHROW THE CIVIL GOVERNMENT IN NEW MEXICO!—REMOVAL OF COL. BROOKS, ETC.

Of the movements of Col. Sumner, since the arrival of Governor Lane and his installation, we have hitherto taken no notice in our paper, partly because we were inclined to thoughts of peace towards all mankind, and partly because we knew that he was in older hands than ours. But the crowning act of his petty chagrin at not being appointed Governor of this Territory, and his contemptible malice towards the citizens of Santa Fe, as in some way connected with his misfortune, deserve a brief historical notice.

It will be recollected that about the middle of last April, Hon. W. S. Allen, the Secretary of the Territory, left for the States. At the time of his departure, Governor Calloun was prostrated with his last illness, and a short time after, also left for the States. A short time before his departure, and in view of that event, he made an arrangement with Col. Sumner, Commandant of this military department, for the preservation of law and order during his absence, or until another Governor should arrive to take his place. The result of this agreement was the publication of the following card which appeared in our paper of April 24th:

TO THE PUBLIC.

It is hereby announced that no interference will take place in the office of Governor of this territory. If Governor Calloun should be obliged to leave for the States before the arrival of the Hon. Secretary of the territory, the Mi-

litary authority of this Department will so far take charge of the Executive Office as to make the preservation of law and order absolutely certain.

"Given at Santa Fe, this 21st day of April, 1852. J. S. CALHOUN, Gov. of the Territory of N. Mexico. E. V. SUMNER, Br't Col. U. S. A., Com'd 9th M. Dep. Santa Fe, April 24, 1852"

In the same number of our paper appeared the following notice, which we publish for reasons which will appear presently:

"EXECUTIVE OFFICE.

"Santa Fe, N. M., April 15th, 1852. "By virtue of an Order issued from this Department on the 29th March ult. All communications or correspondence with his Excellency, James S. Calloun, Governor, and Ex. Officer superintendent of Indian Affairs relating to Indian Affairs in this Territory, are from and after the date of said order, to be addressed to John Greiner, Acting superintendent of Indian Affairs, until otherwise ordered.

"The severe illness of Gov. Calloun has rendered it advisable to lighten as much as possible the arduous duties devolving upon him as Governor of the Territory, and for this purpose the above order has been issued.

"The undersigned will therefore attend to all business connected with this superintendency, at the Palace in Santa Fe.

JOHN GREINER, "Act. Sup. of Indian Affairs, N. M. "April 24, 1852."

The express understanding between Col. Sumner and Gov. Calloun was, that the military authority of the former was to be exercised, if needful, in the preservation of law and order, under the remaining civil authorities, but he was not to assume civil functions. We so stated the matter at the time, in our paper, and were not contradicted either by Col. Sumner or Gov. Calloun.

But no sooner had Gov. Calloun left than Col. Sumner put on all the airs of a civil and military ruler. He assumed to be, by virtue of his position, Superintendent of Indian Affairs, notwithstanding the above notice, published contemporaneously with the joint notice of himself and Gov. Calloun. He assumed to control the Indian Agents of the Territory, in their operations, and superintend and direct all treaties with Indians.

So far as the public was concerned, however, things went on well enough, and the people who were personally but little concerned in settling questions of mere prerogatives of office, were satisfied. Col. Sumner was all bows and smiles and affability to our citizens, and we had too much good manners not to be amiable in return. We never dreamed that he expected us to send a recommendation to Washington to have him appointed our Governor, nor should we have been guilty of so great a folly, had we suspected his aspirations. Certainly if Major Weightman is right in his classification of the Commandant, we should have done ourselves little credit by such a selection.

But we were innocent. We had no idea that such were the aspirations of Col. Sumner, until the arrival of Gov. Lane, from which time to the present, the keenness of his disappointment has displayed itself in his numerous petty devices to cripple the civil authorities and annoy the citizens of Santa Fe, which happens to be the Byzantium to his Imperial Rome.

So soon as Gov. Lane arrived, he packed up bag and baggage, scarcely waiting to give him a decent reception, (a cordial one he could not give,) and like Achilles in his tent (sic parvis componere magna solebam,) he has remained ever since.

"Nursing his wrath to keep it warm," and resting in regnant pride and infinite satisfaction upon the laurels of Cañon de Chelly!

Upon the arrival of Gov. Lane, Col. Brooks, the commandant of this post, had the temerity to fire a salute in honor of the civil Magistrate, and another on the day of the inauguration. For this very natural mistake he was sharply censured in a small military "bull"—call, from the Head Quarters.

Col. Sumner had also, on his departure, ordered the national flag to be taken down from the liberty-pole in our plaza, where it has floated undisturbed since the first arrival of General Kearny in this city. At the commencement

of the present session of the Legislative Assembly, Gov. Lane, we are informed, requested Col. Brooks to run up the national banner, and let it float over the plaza during the sitting of the Assembly. The request was a reasonable one, and Col. Brooks, as a reasonable man, complied with it. The flag was accordingly hoisted, and our whole city rejoiced again to hail that banner floating over them around which cluster so many memories of the past, and hopes of the future.

But this last act of rebellion could not be passed by without making an example. No sooner had the news reached Head Quarters than an order came removing Col. Brooks from his command, and sending him with his company to Fort Union to fill a subordinate position.

If Col. Sumner deemed Col. Brooks guilty of a breach of military discipline, it was his duty to have arrested him, and had him properly tried. His responsibility he was not willing to meet as a man and an officer, but resorts to the tyrant's shift of removing him from his post, and regarding (?) him as a subordinate position, and filling his place with one whom he hopes, at least, will be a more supple tool for his malice to work with.

Well, Col. Brooks leaves us with a proud consciousness that he has done his duty and retained his manhood, and that he carries away with him a jewel that Col. Sumner is never likely to carry from this Territory, or find elsewhere—the good wishes and heart-felt sympathy of a grateful people. Our citizens, on last Thursday morning drew up a written testimonial of their high appreciation of the services of Colonel Brooks, while at this post, which was circulated in this city, and we believe signed by all to whom it was presented.

The officer who succeeds Col. Brooks at this post, is Maj. Brooks. We don't suppose, from what we have seen, that he will even get rebuked from Head Quarters. The national flag was pulled down as soon as it was turned over into his hands. This took place on Wednesday morning. On Thursday morning early, the new commandant was astonished to see the tri-colored flag flitting at the mast-head on our plaza. It had been made by our citizens during Wednesday. It was composed of three simple broad stripes, red, blue and white, without the stars, which happened to be the flag of France instead of the United States. This coincidence, of course, was not thought of by our citizens when the flag was run up.

No sooner did the new commandant catch a sight of the waving folds, than he hastened to the plaza, where our citizens still stood gazing upward at their achievement, and ordered it to be hauled down, as it was the flag of a foreign nation. The flag was immediately pulled down, the stars tacked on, and run up again, where it continues still to float on the breeze.

We have a few words of comment to make upon these matters, in conclusion. And first, we respectfully submit to the authorities at Washington, this question: "Is our national flag the property of the army or of the people?" We have always supposed to be so, (perhaps we were simple in doing so,) that that flag was the emblem of freedom, intended to wave over a free people—the symbol of Union, the ensign of peace to the citizen and of terror only to the enemy. We had at least a vague notion that its folds might float as proudly and appropriately over the citizen as the soldier, and over the palace of a Civil Magistrate and a Civil Legislative body, as appropriately as over the martial tent of a commanding military officer.

If we have been in error, we suppose Col. Sumner is right. We have been naughty—have broken the tenth commandment in coveting our neighbor's property,—and ought, we suppose to be punished for our impertinence as well as our impiety!

But if we have been right, perchance, in our surmises, we leave others to give a name and reward to Col. Sumner's act. It is an interesting question, however, which we should like to have authoritatively decided, because if we are in the fog, we fancy there are some thou-

sands if not millions more, of citizens, in the same mistified condition.

In the second place, we should like to know by virtue of what authority Maj. Brooks, the new commandant, assumed the prerogative of ordering our citizens to pull down the flag they had hoisted. Suppose it did happen to be the flag of France—say more, suppose our citizens had designedly hoisted the flag of France, what business was it of his? The flag was floating in immediately in front of the Palace, but a few yards from the Governor and the Legislative Assembly, the legally constituted supreme authorities of the Territory and Representatives of the Civil power of the nation in New Mexico. If any wrong or indignity were offered the nation, it was their business to arrest the proceeding. Truly we have come to a pitiable plight if a subaltern of military power is to assume in the very face of the Governor and Legislative Assembly, to manage our civil affairs for us.

The simple question of a flag flitting at the head of our flag-staff is nothing; but when that flag which has floated over Banker Hill, Camden, Saratoga, Monmouth and Yorktown, is made the instrument of gratifying a contemptible spite, it arouses all our American feeling and sends our blood with a quicker pulsation through every vein.

For the Santa Fe Weekly Gazette.

MR. EDITOR:—I have seen in circulation within the last few days a memorial to the Congress of the United States, bearing signature by those Mexicans in our Territory who, under the 8th Article of the Treaty of Guadalupe Hidalgo, retained the character of citizens of the Republic of Mexico. The memorialists ask that special provisions be made by law, to restore them to the privileges and immunities of citizens of the United States.

The original draft of this memorial, as I am informed, was prepared by R. H. Weightman at Washington city, and forwarded to this place, from which the Spanish copies now in circulation are translations. It does seem strange that nothing can emanate from that gentleman in relation to the affairs of this Territory, that is not absolutely false. It was just as easy to have framed a set of reasons founded on truth, why the prayer of these memorialists should be granted, as to have based it upon those that have no foundation in truth.

I propose, Mr. Editor, to point out and expose some of the unparadiseable and ridiculous errors contained in this memorial; and in doing so, allow me to say in advance, that there are many of these Mexicans that I would be pleased to see restored to citizenship. I regard them as belonging to that class of our fellow-citizens, in every way qualified to take part in the government of our Territory. I believe that many of them were influenced by designing men, when they made their election to retain the character of Mexicans, but I am not willing to believe, nor will I admit, that they made it at election through ignorance, or without being fully advised of the effect of the act they were about to perform. I will, however, first quote the following extract from the memorial in question: "The undersigned further represent, that their act of signing as aforesaid, was done in ignorance of the effect of their act, and of the rights they would acquire as citizens of the United States."

Now that this may be true in reference to some few of the persons who retained the character of Mexicans, I will admit; but that the larger majority of them, especially those who are now actively engaged in circulating this memorial, fully and clearly understood how they were to be effected by retaining the character of Mexican citizens, I suppose they themselves will not deny; certainly no question could be more fully explained. For this purpose, it is well known that men of intelligence were riding for weeks, before the 30th of May, 1849, in all parts of the Territory; and the people must have been advised of all the advantages and disadvantages that would result by retaining their Mexican character, or acquiring the rights of citizens under the American Government.

Señor Jonaciano Vigil as acting Governor of the Territory, in order that the people might have the Treaty before them in time to make their election, as early as the 16th of September, 1848, caused several hundred copies to be printed, and circulated in all parts of the Territory; and to each of these copies of the Treaty was appended the following proclamation in the English and Spanish languages:

TO THE PEOPLE OF THE TERRITORY OF NEW MEXICO.

Fellow Citizens:

The Treaty of Peace, Friendship, and Limits between the United States of America and the United Mexican States, concluded at Guadalupe Hidalgo, on the second day of February, 1848, and finally ratified by the Mexican Congress, with the amendments of the Senate of the United States on the 30th May, 1848, is herewith laid before you.

By Article 5th of the Treaty, it will be per-

ceived that New Mexico is ceded to the United States.

By Article 8th, you are required to make your selection within one year from the date of the exchange of ratifications whether you elect to become citizens of the United States, or citizens of the Mexican Republic; and in default of which declaration of intention, and remaining in the Territory, at the termination of one year, you will be considered as having elected to become citizens of the United States.

Upon the official announcement of the ratification of this Treaty by the Government of the U. S. to the existing authorities, military and civil, of this Territory, according to article 5th of the Constitution of the U. S. and article 8th of the Treaty, the supreme law of the land, and you are called upon to make your selection.

In New Mexico, lately a part of the Mexican Republic, but now a portion of the great American Union, are your homes and your interests. I cannot believe that you will for a moment hesitate in making your selection whether to continue under the protection of a great, powerful and energetic nation, under whose government you will find peace, justice and equal rights, or to return to the anarchy and oppression of the Mexican Republic.

You are now about to exercise the high principle of a people in the government of themselves as citizens of a Territory under the Constitution of the United States. I feel assured that you will exercise those rights in such a manner as will render New Mexico worthy of becoming a member of the glorious Union of the world Republic of the world.

DONACIANA VIGIL.

Acting Governor.

Santa Fe, N. M., Sept. 16, 1848.

In addition to this Col. J. M. Washington another of the temporary Governors of the Territory, on the 21st of April, 1849, issued the following proclamation:

TO THE PEOPLE OF N. MEXICO.

WHEREAS, by Article 8th, of the late Treaty of Peace, Friendship and Limits, between the U. States of America and the United Mexican States, the inhabitants of Territories ceded to the U. States are required to declare their intentions to become citizens of the Mexican Republic, within one year from the date of the ratification of the Treaty, and those who remain in the said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the U. States. And whereas the ratification of the Treaty will expire on the 30th May next, and it is desirable for the unembarrassed action of the Government, that it should be publicly known, who, after that date, will be entitled to the rights and privileges—and be subject to the duties of the citizens of the U. States; Therefore, I, JOHN M. WASHINGTON, Governor of the Territory of N. Mexico, do hereby order, that there immediately be opened at the Prefecture and the different counties of the Territory by the Clerks of the Prefecture's courts, Registers thus be held:

"We elect to retain the character of Mexican citizens."

To which, all those in each county so electing, may personally register their names; and those not registering and signing said declaration, on or before the 30th of May next, will, according to the Treaty, be considered citizens of the U. States. Within six days after the 30th of May, the registers shall be forwarded with the signatures of the Prefecture's clerks of the several counties, to the Secretary of the Territory, to be by him published and distributed to the different tribunals of Justice of the Territory.

Given under my hand and seal, at Santa Fe, April 21, A. D. 1849.

J. M. WASHINGTON.

Weightman has stated in the memorial under consideration, that the people were "called on in express terms" to make their election on this is not true. No such imperative language was used by Governor Washington or any other officer, in reference to the matter. In consequence of information received by Governor Washington, that several persons were riding through the Territory, obtaining the signatures of the people to retain their Mexican character, and that there were perhaps unfair influences being used by designing persons, he thought it best to issue the above proclamation, requiring each person so electing to seal the transaction with his own proper signature, in an official manner.

Another extract from this memorial is in the following words: "Your memorialists further represent, that previous to the promulgation of the proclamation, or order aforesaid, in pursuance of which your memorialists signed as aforesaid, there was laid officially before the people, a document purporting to be the Treaty of Guadalupe Hidalgo, word for word in the English and Spanish languages as consummated. That the document thus laid before them, by every official sanction, and in view of which they were called on in express terms, to make their election to retain their character as Mexicans, or to become citizens of the United States, was not what it purported to be; but on the contrary, on the Spanish side of the same, both imperfect and incorrect, holding out advantages in retaining the character of Mexicans not contained in the Treaty."

I will suppress some remarks strongly suggested by the above extract. I wish simply, in as brief a manner as possible, to expose Weightman's treachery in wishing to create a false issue before the Congress of the United States in reference to this matter, and that can be sufficiently done by the following extracts from the official Treaty, published at Washington, and the one published here which he says is incorrect and fraudulent:

(Official copy.)

ARTICULO VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes a Mexico, y que quedan para el futuro a den de los límites señalados por el presente tratado a los Estados Unidos, podran permanecer en donde ahora habitan, o trasladarse en cualquier tiempo a la Republica Mexicana, conservando en los indicados territorios los bienes que poseen, o enagenandolos y pasando su valor a donde les convenga, sin que por esto puedan exigirseles ningun genero de contribucion, gravamen o impuesto.

Los que prefieren permanecer en los indicados territorios, podran conservar el titulo y derechos de ciudadanos Mexicanos o adquirir el titulo y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una u otra ciudadania debera hacerse dentro de un año contado desde la fecha del cese de las ratificaciones de este tratado. Y los que permanecen en los indicados territorios despues de transcurrido el año, sin haber declarado su intencion de retener el caracter de Mexicanos, se consideraran que han elegido ser ciudadanos de los Estados Unidos.